

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5207 OF 2004

Shri.Sunil Bajrang Gaikwad ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.S.V.Kotwal for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 26, 2005.

P.C.

1. The principal question that was agitated before this Court was: whether provisions of M.C.O.C.A. could be applied only to one amongst the several accused in the case? During the pendency of this Application, Competent Authority has accorded sanction, applying provisions of MOCA, to prosecute one more accused in addition to the present Applicant.

2. In view of this development, Counsel for the Applicant submits that the Applicant be permitted to withdraw this Application, with liberty to file fresh Application before the Trial Court, which in turn, will be considered on its own merits in accordance with law. Hence, dismissed as withdrawn with liberty as prayed.

3. Affidavit of Shri.J.D.Virkar, sworn on 16th April 2005 is taken on record.

A.M.KHANWILKAR, J.